

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

V.

VLADISLAV KLYUSHIN
Defendant

CRIMINAL NO. 21-cr-10104-PBS

**SUPPLEMENTAL MEMO FURTHER OPPOSING 18 USC § 3238 CHARGE ON
COUNT ONE**

So the record is clear for any appeal in this case, and to avoid delaying summations, Vlad Klyushin crystallizes two objections to giving the jury a “high seas” venue instruction on indictment Count One (conspiracy). These objections amplify those previously lodged against instructing on § 3238 generally. Both are based partly, though not exclusively, on *U.S. v. Auernheimer*, 748 F.3d 525 (CA3 2014).

1. Venue for a conspiracy charge properly lies in the district or districts where its underlying object offenses may be properly prosecuted.
2. No essential conduct element of the conspiracy charged in Count One occurred outside the United States. Mere *agreement* doesn't constitute essential *conduct* for purposes of establishing venue.

Respectfully submitted,

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By His Attorney,

/s/ Maksim Nemtsev
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Dated: Feb. 10, 2023

CERTIFICATE OF SERVICE

I, Maksim Nemtsev, hereby certify that on this date, Feb. 10, 2023, a copy of the foregoing document has been served via Electronic Court Filing system on all registered participants.

/s/ Maksim Nemtsev

Maksim Nemtsev